

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA, Case No. 1:21cr258
Akron, Ohio
Plaintiff, August 13, 2021

vs.

JOSHUA GLOWACKI,
Defendant.

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE JOHN R. ADAMS
UNITED STATES DISTRICT JUDGE

PRETRIAL
(VIA ZOOM)

APPEARANCES:

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Court Reporter: Lori Ann Callahan, RMR-CRR
United States District Courthouse
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Proceedings recorded by mechanical stenography, transcript
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P R O C E E D I N G S

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COURTROOM DEPUTY CLERK: This United States District Court is now in session. The Honorable John R. Adams presiding.

THE COURT: For the record, the court has before it today Case Number 1:21cr258. The case is United States of America versus Joshua Glowacki.

We're here today for a pretrial.

Counsel for the government, are you ready to proceed?

MR. SULLIVAN: Yes, Your Honor.

On behalf of the United States, Michael A. Sullivan.

THE COURT: Counsel for the defendant?

MR. NEMECEK: Yes, Your Honor.

On behalf of the defendant, Eric Nemecek.

THE COURT: Mr. Glowacki, can you hear me?

THE DEFENDANT: Yes, I can, Your Honor.

THE COURT: You consent to the court proceeding by way of video today?

THE DEFENDANT: Yes, I do, Your Honor.

THE COURT: Thank you.

Counsel for the government, provide the court with an update, status of the matter, please.

1 MR. SULLIVAN: Thank you, Judge.

2 Judge, discovery has been completed in this case,
3 and I believe there's some motion to suppress pending before
4 Your Honor.

5 And I think we're just awaiting resolution of that
6 to proceed.

7 THE COURT: We have a trial date I think set in
8 November. November 8 if memory serves me correctly.

9 So what's your position regarding this suppression
10 motion? Do we need a hearing? By way of review, it would
11 indicate not, but what's your position?

12 MR. SULLIVAN: Judge, I think that was in our
13 response. I believe we indicated that we thought that the
14 motion could be resolved without a hearing and no hearing
15 was justified based on the allegations made in the
16 defendant's motion.

17 THE COURT: All right. Thank you.

18 Counsel for the defendant, what's your position
19 regarding the matter?

20 MR. NEMECEK: Thank you, Your Honor.

21 As it relates to the motion to suppress itself, I
22 don't necessarily disagree. I don't think that there's much
23 of a dispute in terms of the, you know, arguments with
24 respect to the probable cause analysis. We had included in
25 the motion as an alternative request a motion for a Franks

1 hearing, which I think is set forth in the motion in the
2 response that we filed. Obviously we would defer to the
3 court's discretion in terms of whether or not a hearing is
4 necessary.

5 THE COURT: All right. Well, it will take us some
6 time to get to this motion. I've read it, and I have some
7 preliminary ideas, but we will put up a written order.

8 I will just continue the matter until we have --
9 until we have a ruling. Once we have a ruling, then the
10 parties can decide how they would like to proceed.

11 So we will take the matter under advisement and
12 issue an order regarding the motion to suppress and that
13 will give you some ideas how you wish to progress in the
14 matter.

15 Any other questions on behalf of the government?

16 MR. SULLIVAN: No, Judge.

17 I guess the only question I have is, there is --
18 in the defendant's reply brief, there is an argument that
19 Mr. Nemecek makes that is inaccurate, so I guess my question
20 is would the court permit the government to file a response
21 to that?

22 THE COURT: How long will it be?

23 MR. SULLIVAN: It's not very long. It's just
24 one -- just a couple of pages. It's not very lengthy. It's
25 a discrete issue that's raised in that.

1 THE COURT: All right. You may file it. We will
2 take a look at it here and get it addressed quickly as we
3 can.

4 MR. SULLIVAN: Thank you.

5 THE COURT: All right. Thank you very much.

6 Everybody have a good weekend, and we will try to
7 get a ruling as quickly as possible.

8 MR. SULLIVAN: Thanks again.

9 THE COURT: You're welcome.

10 C E R T I F I C A T E

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12 I certify that the foregoing is a correct transcript
13 from the record of proceedings in the above-entitled
14 matter.

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16

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